

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

SYNOVUS BANK,

*

Plaintiff,

*

vs.

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CASE NO. 4:12-CV-244 (CDL)

FIDELITY NATIONAL TITLE
INSURANCE COMPANY,

*

*

Defendant.

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O R D E R

Defendant enumerates several reasons in support of its motion for summary judgment on Plaintiff's title insurance claim (ECF No. 30). Having thoroughly reviewed the record, the Court cannot say at this stage of the proceedings that there are no genuine disputes as to any material facts and that Defendant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56. Accordingly, Defendant's motion for summary judgment is denied.

Notwithstanding the Court's ruling, the Court does observe that the following arguments by Defendant were close calls: that no title defect existed that made the title to the subject property unmarketable; that Plaintiff's transfer of the property to one of the subsidiaries of Plaintiff's parent company divested Plaintiff of any right to recover full damages; and that Defendant's conduct does not support an award of attorneys'

fees. Although the Court is satisfied that it has made the correct call based on the present record, these issues will be closely scrutinized again at trial when the Court evaluates any motion for judgment as a matter of law.¹

IT IS SO ORDERED, this 30th day of December, 2013.

S/Clay D. Land

CLAY D. LAND
UNITED STATES DISTRICT JUDGE

¹ The Court recognizes that Defendant's Reply Brief is not yet due and thus it ruled without the full benefit of all that Defendant may have to say on the subject. In light of the Court's intent to set this case down for trial during its March Term, a pretrial conference will soon be scheduled for the first week in February. To give the parties sufficient notice as to the Court's ruling on the summary judgment motion and given that the present briefing adequately presented the issues, the Court found it unnecessary to wait on Defendant's Reply Brief.